

EXHIBIT 6

1 A It was just an operating system.

2 Q Is that an operating system that IBM created, or was that
3 from someplace else?

4 A No, IBM.

5 Q How did the Technical Viewer/2 system actually work?

6 A It was a viewer, so you would take the data that was in a
7 book such as this, and you would put it into an electronic
8 form, and then you would be able to bring your PC and navigate
9 through the data much the way you would a book. You can jump
10 to different sections of the book or search for different
11 keywords in the book and view it. That's why it was called a
12 viewer.

13 Q So when you say book, can you give me some examples of the
14 sort of books that this product was really designed to work
15 with?

16 A It could work with any kind of data. So we tried to do it
17 with the tech manuals for the Navy, and then with Fisher we did
18 it with their parts catalogs. Volvo had the parts catalogs
19 integrated in their demo. When we first got the product from
20 the UK, they had done that same thing for the Volvo, putting
21 their parts catalog in there. So it could be either one.

22 Q So what would be the process involved back in this '92/'93
23 time frame for getting a parts catalog into the TV/2 system?

24 A Okay, first if you just had the hard copy of the book,
25 then you would scan the pages, separate the pictures. You

1 A Like multiple books.

2 THE COURT: What large -- what is it that had large
3 capacity?

4 THE WITNESS: The Navy had huge amounts of binders.
5 You could stack them up really high, and the catalogs, the
6 parts catalogs for Fisher had -- they were big books.

7 THE COURT: But what is it in this thing that says
8 large capacity? What is it that has a large capacity?

9 THE WITNESS: The TV/2 could handle the large --
10 could put that data in there, into a --

11 THE COURT: TV/2 had the large capacity?

12 THE WITNESS: Large capacity means all technical
13 publications can be held on a single CD-ROM. So we would take
14 the data, put it into an electronic format, and put on it a CD
15 which took up less space.

16 THE COURT: Was it the CD-ROM that had the large
17 capacity?

18 THE WITNESS: Well, that's where -- it was stored on
19 there. It could be on your hard drive but then you couldn't --

20 THE COURT: But in this sentence, I think is what
21 he's asking. This suggests that something has large capacity.
22 What I'm asking is what was it that had it. There are lots of
23 different things that can have large capacity.

24 THE WITNESS: Technical Viewer/2 could handle a large
25 capacity, but Technical Viewer itself just read the data so it

Eng - Direct

1982

1 would be stored either on your hard drive or a CD.

2 THE COURT: So the TV/2 didn't have any large
3 capacity?

4 THE WITNESS: It had the ability to read large
5 capacity.

6 THE COURT: It could process it, but it didn't hold
7 it?

8 THE WITNESS: No, not in the program.

9 Q So with the CD, what was done with that single CD-ROM to
10 get it into the TV/2 system?

11 A It would be the input for the TV/2 system.

12 Q So you just slide that CD in like you do typically with
13 would your computer today?

14 A Right.

15 Q And then it's part of the computer system at that point?

16 A Right.

17 Q If we can blow back up on this one to a full page. That's
18 probably it for that one.

19 Are you aware of any other marketing materials from the
20 1992 time frame for the TV/2 system, Ms. Eng?

21 A We used these two documents, and we also made a video.

22 MR. ROBERTSON: Objection, Your Honor. The Court's
23 ruled on that.

24 THE COURT: Well, if I have, I don't remember.

25 MR. ROBERTSON: Can we approach then, Your Honor?

ENG - CROSS

2001

1 think it was discontinued in '94 or something. '95
2 maybe.

3 Q You recall testifying under oath in the SAP trial?

4 A No. I mean I remember testifying, yes.

5 MR. McDONALD: Your Honor, I don't think this
6 is impeachment. She's not denying that it wasn't on
7 sale in '95.

8 MR. ROBERTSON: Let me --

9 THE COURT: Well, there was a different
10 question, so I think it's a relevant approach. It
11 depends on what the testimony was, doesn't it? The
12 answer was different than the question. Fairly
13 significantly. So let's see.

14 MR. ROBERTSON: May I hand the witness a
15 notebook?

16 BY MR. ROBERTSON:

17 Q In the 1994-95 period, when you were working with
18 Fisher right before, I think, you left in January of
19 '95 --

20 A Yeah, I did.

21 Q -- fisher was the first customer really to use
22 TV/2 in a production environment; isn't that right?

23 A As far as I know in the U.S.

24 Q Did any other customers to your knowledge ever use
25 TV/2 in a production environment?

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2003

1 Q I'd like to direct you to page 1296.

2 A Where do I see the page numbers?

3 Q They should be in the upper right-hand corner.

4 THE COURT: There's a little fold on the
5 squares on the pages. An in the upper right-hand
6 corner of each one of those little quarters is the
7 page number, Ms. Eng. And at the bottom is page
8 numbers, and this one is on page 16.

9 THE WITNESS: Right.

10 THE COURT: Go ahead.

11 Q Do you see at page 1295 the question was asked:
12 Was TV/2 a final release IBM product? You answered:
13 No, I don't think so. I think Fisher was the first
14 customer really to use it in a production environment.
15 I had asked you that.

16 A Okay.

17 Q That's the time period we're in now.

18 A Uh-huh.

19 Q Was TV/2 an off-the-shelf product?

20 A Like I said, they couldn't go to Best Buy and buy
21 it. It had to be packaged with service.

22 Q So the question was asked: So was it commercially
23 available as far as you know? Do you see that?

24 A Right.

25 Q Let me finish my -- and the answer there was: No,

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2004

1 not as far as I know. Correct? Yes or no? That's
2 what it says?

3 A That's what it says there, yes.

4 Q Okay. Thank you.

5 As far as you know, no one after Fisher ever used
6 it in a commercial production environment, correct?

7 A I left so I do not know.

8 Q As you sit here even today, you don't know whether
9 anybody ever used it after Fisher in a commercial
10 production environment, right?

11 A I do not know.

12 Q Before working with Fisher, though, you were not
13 aware of any other instance in which IBM integrated
14 Technical Viewer 2 with a product to read large
15 amounts of data; isn't that right?

16 A Before Fisher?

17 Q Yes.

18 A Correct.

19 Q Did I understand you to say that TV/2 didn't have
20 a database, right?

21 A It didn't have a relational database.

22 Q It was a search program, wasn't it?

23 A TV/2 was -- that was one of the capabilities.

24 Q You worked on this project with Fisher, do I
25 understand, from sometime in the middle of 1993 until

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2005

1 when you left in 1995?

2 A Well, I left in -- I probably didn't work any in
3 '95, but, yes, through '94.

4 Q So approximately about a year and a half?

5 A Or a year and -- not quite a year and a half
6 probably.

7 Q A little less than a year and a half?

8 A Yeah.

9 Q And the TV/2 that was integrated with Fisher, it
10 went through serious significant modifications over
11 that year and a half, wouldn't that be fair to say?

12 A I know they did add some features to make it
13 work -- have better performance.

14 Q But you did a lot of things during that period of
15 time on the project, correct?

16 A What do you mean by a lot of things?

17 Q You had to do a lot of modifications to bring this
18 project to a conclusion eventually?

19 A Well, we changed a lot of the process to try to do
20 it more efficiently, yes.

21 Q So, for example, you worked on a conversion tool.
22 Do you remember that testimony in SAP?

23 A Yes.

24 Q That was an important aspect of coming up with a
25 commercial or production prototype, correct?

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2006

1 A I think that the conversion tool was just for the
2 Fisher data, to take it from their electronic version
3 to the TV/2.

4 Q But you had to develop that; is that right?

5 A Yes.

6 Q You actually worked a lot on creating some new
7 tags, didn't you, that needed to be programmed in
8 order to be able to read some of the data? That was
9 part of your job?

10 A Can you refresh my -- did I say something about
11 new tags?

12 Q Didn't you work on tags during this project?

13 A We put the tags in, yeah. The way the generalized
14 markup language works, you would put in there -- a tag
15 was like a part number or paragraph or a table.

16 Q Did you actually have to create a new type of
17 markup language, GML, as part of this project?

18 A No, I think that was already --

19 Q This conversion tool you talked about for this
20 project, IBM never made that tool publicly available
21 to anybody else; isn't that right?

22 A I'm sorry. Can you repeat that?

23 Q Sure. This conversion tool you just mentioned,
24 IBM never made that publicly available to anybody else
25 other than Fisher; is that right?

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2007

1 A Not to my knowledge.

2 Q Fisher contracted IBM to assist them in this
3 project, right?

4 A To come up with a solution, yes.

5 Q Well, it contracted you to work with them?

6 A Right.

7 Q When they came with to you and presented you with
8 this project, correct?

9 A Correct.

10 Q And are you aware that Fisher paid IBM \$620,000
11 for this?

12 A I saw that in here.

13 Q Did you know that at the time?

14 A I don't remember. Probably. I think I've seen
15 those documents before.

16 Q This Technical Viewer had proprietary tagging; is
17 that right?

18 A It had a proprietary database. Probably some of
19 the tags were not like the standard. We used the
20 standard way to do it, but they probably had our own
21 tags, yes.

22 Q Did you modify those tags to be able to
23 formulate -- to be able to work in this project?

24 MR. McDONALD: Objection to the form of the
25 question, Your Honor.

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2008

1 MR. ROBERTSON: Let me rephrase.

2 BY MR. ROBERTSON:

3 Q Did the tags have to be modified for this project?

4 A I don't remember.

5 Q Why don't you take a look then, if you could, Ms.
6 Eng, at again your SAP testimony at page 1270.

7 THE COURT: The way this is usually done is
8 to ask the question that you want to ask, and then
9 say, You testified to such and such, and you were
10 asked such and such, and said such and such; is that
11 right? Does that refresh your memory? And if it
12 doesn't refresh her memory and if she answers, you
13 know. If it doesn't refresh her memory, then the
14 document can't be introduced into evidence.

15 Do you want to try using it the standard way?

16 MR. ROBERTSON: I'll try that, Your Honor.

17 BY MR. ROBERTSON:

18 Q I think you indicated that you used GML or
19 generalized markup language for tags for the
20 information in this project, correct?

21 A We did.

22 Q There were also other specific TV/2 tags that were
23 used to cull out and identify specific information
24 that needed to be created as part of this project,
25 correct?

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2009

1 A Right, and those were there, though. They were
2 the ones that let you select the parts data or the
3 table.

4 Q Do you remember working on a project that involved
5 a shell?

6 A Yes.

7 Q And the shell had to be created as part of the
8 presentation to make use of what's known as an
9 application program interface?

10 A The shell was just like the menu like in the Volvo
11 pictures we saw. And then the API was the interface
12 between the programs.

13 Q Put you had to create a shell for this project
14 with Fisher-Scientific, correct?

15 A We did because they wanted to have specific things
16 there.

17 Q Those TV/2 tags weren't publicly available in
18 1994; is that right?

19 A That's right.

20 Q In fact, isn't it the case that those TV/2 tags
21 have never become available even to this day, right?

22 A Not that I know of. I mean, you would need TV/2
23 to use them.

24 Q Did IBM ever make the TV/2 API publicly known or
25 made available?

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2010

1 A I don't know that.

2 THE COURT: What did you say?

3 THE WITNESS: I don't know.

4 Q Did you give it to Fisher and nobody else?

5 A I'm sorry. I didn't hear you.

6 Q Did you give it to Fisher and nobody else?

7 MR. McDONALD: Objection.

8 THE COURT: Overruled.

9 Q I asked you did it ever become publicly known.
10 Let me ask you now, did you give it to Fisher and
11 nobody else?

12 A There was a specific API for Fisher, yes.

13 Q Did you ever give the TV/2 API to anybody else
14 besides Fisher?

15 A Not that I know of, no.

16 Q And the API is necessary for this project, right?

17 A If you want to integrate it with another system.

18 Q Did you also work on a compiler as part of the
19 project?

20 A We used a compiler as part of the project.

21 Q That had to be created as part of this project as
22 well; isn't that right? Did you testify about that at
23 the SAP trial?

24 A The compiler was already there.

25 Q But you had to make special what are called .inf

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2012

1 There's no relevance as to how fast the system is
2 working.

3 MR. ROBERTSON: I'm just asking how T/V2 was
4 modified for this project.

5 THE COURT: Overruled. She said it was
6 modified for the project. The question is: How was
7 it modified? He's going through the parts of it to
8 see how they were modified.

9 MR. McDONALD: Well, i it's modified in a way
10 that only relates to speed, there's no speed that's at
11 issue in this case. So it's irrelevant for that
12 reason.

13 MR. ROBERTSON: I think it's very relevant.
14 It was a year and a half long project, Your Honor. A
15 lot of things had to happen.

16 THE COURT: It depends the speed. It depends
17 on a lot of things. Overruled.

18 BY MR. ROBERTSON:

19 Q You also had to complete a super index for the
20 project, correct?

21 A That was related to making it faster.

22 Q Did you work on the super index?

23 A I mean, I talked to the people. I don't think I
24 wrote that, no.

25 Q But you know that had to be created in order to

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2013

1 make the search faster?

2 A To make the search faster, yes.

3 Q And that was because there was so much data in a
4 catalog like the Fisher-Scientific catalog, right?

5 A Correct.

6 Q You mentioned that you did a lot of scanning
7 initially in the first few weeks of the project. Did
8 I understand that right?

9 A Yeah.

10 Q But at some point in time Fisher-Scientific gave
11 you the catalog in an electronic format, is that
12 right, as part of the project?

13 A Yes.

14 Q And you could not have built this system to use a
15 Fisher catalog unless you had something like the super
16 index to make the search faster, right?

17 A Can you repeat that again?

18 Q Sure. Could you have built this system for use
19 with the catalog like Fisher without using something
20 like this super index?

21 A Could we have built it? We could have built it,
22 the system, but it wouldn't be very usable.

23 Q And that would be because these searches would be
24 so slow, it would be quicker to just look in the paper
25 catalog, wouldn't it?

ENG - CROSS

2014

1 A Probably.

2 Q Those APIs we talked about with the TV/2, they
3 were not publicly available in 1994, correct?

4 A They were specific for Fisher. They were just for
5 Fisher.

6 Q Well, you were asked to look at Plaintiff's
7 Exhibit No. 38, which I think is in either book, and
8 you directed us to this --

9 THE COURT: In the book you have got, it's
10 back near the back.

11 THE WITNESS: Thank you.

12 Q I think you directed us to this Fisher/IBM master
13 schedule plan, do you see that?

14 A Yes.

15 Q Can you go to that page that ends with 53 there?

16 THE COURT: What page?

17 MR. ROBERTSON: Sorry. It ends 053. It's
18 page 18 of 23, I think.

19 BY MR. ROBERTSON:

20 Q These are all the tasks that needed to be done for
21 the original pilot. And then what was the second
22 phase of the project?

23 A The first was demo, the second was the pilot, and
24 the third was the comprehensive.

25 Q The comprehensive was supposed to be a working